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October 19, 2010

Via ECF
Honorable Denis R. Hurley
United States District Court for the Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: Next Proteins, Inc. v. Distinct Beverages, Inc., et al.
Civil Case No. 09-cv-4534 (DRH) (ETB)

Dear Judge Hurley:

This firm represents Plaintiff Next Proteins, Inc. in the above-referenced matter. We submit this letter jointly, pursuant to this Court's order dated September 20, 2010, to provide the Court with a status update regarding the settlement agreement.

As detailed in my letter dated September 17, 2010, the parties have reached an agreement in principal to settle this lawsuit. The parties and their counsel are currently working to prepare a comprehensive settlement agreement. Because the terms are complex, the parties have not yet completed a final version of the settlement agreement. Accordingly, the parties request an additional period of 30 days to complete the agreement, or to provide a further status report to the Court.

Sincerely,

DUCKOR SPRADLING METZGER & WYNNE
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By: John C. Wynne
John C. Wynne

cc: Hon. E. Thomas Boyle (via ECF)
Richard D. Rochford (via ECF)
Michael F. Orman (via ECF)
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